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TAGS: [ETRD](#) [SCUL](#) [SP](#) [UNESCO](#)

SUBJECT: CULTURAL DIVERSITY CONVENTION DEMARCHE

REF: STATE 089776

1. Summary: Spain supports the philosophy underpinning the Cultural Diversity Convention, and there is a political desire on the part of the GOS for the international community to adopt the Convention. There does not appear much willingness on the part of the GOS to revisit the Chair's proposal for Article 20. Spain, France, and Brazil are sponsoring a Madrid June 12-13 Ministerial-level conference on the Convention. End Summary

2. Per reftel, Trade Policy Officer spoke on 5/18/05 with Ministry of Foreign Affairs Subdirector General for Programs and Cultural and Scientific Conventions Anunciada Fernandez de Cordova y Alonso-Viguera and with Trade Ministry Subdirector General for Services Jose Alberto Plaza Tejera. On 5/19/05, Trade Policy Officer spoke with Culture Ministry Director General for Cooperation and Cultural Communication Carlos Alberdi Alonso re: the Convention.

3. Fernandez de Cordova from MFA conceded that the Chair's draft for Article 20 was "vague and diffuse", but kept insisting that the Convention was not a trade agreement. She said it was a cultural agreement. She said this formulation was acceptable to the EU's 25 members, and suggested that this difficult to achieve EU consensus position would make it difficult to modify further Article 20. She underscored that there was a "political" desire on the part of the GOS to move the Convention forward. The GOS is partly motivated by domestic political considerations in that Spain's Autonomous Regions (the equivalent of American states) are very interested in cultural diversity issues.

4. Alberto Plaza Tejera from the Trade Ministry recognized that the Convention had potentially deleterious trade implications. He noted, for instance, that Spain's telecoms industry was concerned (Spain's Telefonica has large investments in Latin America) about what countries might be able to justify in this sector citing the Convention. He noted, however, the GOS desire to proceed with the Convention. He claimed that the Chair's Article 20 draft was the best officials interested in trade matters were able to get. Tejera asked how adoption of the Convention in its present form might have a chilling effect on the Doha services talks.

5. Alberdi Alonso from Culture was, unlike his MFA colleague, quite upfront about the fact that the Convention is a trade treaty in the form of a Cultural Convention. He conceded that representatives from the movie, music, and book industries were interested in an international trade regime that recognized that the cultural component of these products/services merited special consideration. He argued that the Convention as currently drafted was "balanced", and that it would not be used for illegitimate protectionist ends. Underscoring the GOS commitment to the Convention is the fact that Spain, together with France and Brazil, are convoking a Ministerial-level meeting on this topic in Madrid on June 12-13. Alberdi was not sure how many Ministers would attend, but he claimed that, so far, 20 Ministers and Secretaries of State have confirmed their attendance.

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Comment

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6. Spain is clearly comfortable with the Convention as currently drafted and is not likely to be helpful in amending Article 20 to make it acceptable to the United States. As a general matter, positing that this Convention could have deleterious trade effects is not an argument that has much resonance, even with trade policy oriented officials. Tejera was clearly not convinced adoption of this Convention would affect the Doha services talks in an important way. If the USG were willing/able to explain in detail how adoption of this Convention would undercut the Doha services talks, we might get more traction with this argument.

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